

JOHN F. COOK  
MAYOR

JOYCE WILSON  
CITY MANAGER



**CITY COUNCIL**  
ANN MORGAN LILLY, DISTRICT 1  
SUSANNAH M. BYRD, DISTRICT 2  
J. ALEXANDRO LOZANO, DISTRICT 3  
MELINA CASTRO, DISTRICT 4  
PRESI ORTEGA, JR., DISTRICT 5  
EDDIE HOLGUIN JR., DISTRICT 6  
STEVE ORTEGA, DISTRICT 7  
BETO O'ROURKE, DISTRICT 8

# REVISED

**AGENDA FOR  
REGULAR COUNCIL MEETING, COUNCIL CHAMBERS  
TUESDAY, NOVEMBER 29, 2005  
9:00 A.M.**

**AND**

**SPECIAL COUNCIL MEETING/COUNCIL WORK SESSION  
COUNCIL/STAFF QUESTION AND ANSWER SESSION  
10TH FLOOR, CONFERENCE ROOM  
MONDAY, NOVEMBER 28, 2005  
2:30 P.M.**

## **ROLL CALL**

Invocation  
Pledge of Allegiance

## **MAYOR'S PROCLAMATIONS**

- 1. ASSOCIATION OF THE UNITED STATES ARMY WEEK**
- 2. CHRISTMAS TREE IN LIGHTS DAY**

## **RECOGNITION**

**"STAR OF THE MOUNTAIN" AWARD TO MS. INGEBORG HOUSER**

## **CALL TO THE PUBLIC – PUBLIC COMMENT**

**This time is reserved for members of the public who would like to address the City Council on items that are not on the City Council Agenda.**

A sign-up form is available on line at [https://www.elpasotexas.gov/city\\_clerk/contact\\_public.asp](https://www.elpasotexas.gov/city_clerk/contact_public.asp) for those who wish to sign up in advance of the meeting date and a sign-up form is available outside the City Council Chambers at the City Clerk table for those who wish to sign up on the day of the meeting.

Requests to speak must be received by 9:00 a.m. on the date of the meeting.

30 Minutes total is allotted for speakers.

Three to five minutes may be allowed for each speaker.

**NOTICE TO THE PUBLIC**

All matters listed under the CONSENT AGENDA, including those on the Addition to the Agenda, will be considered by City Council to be routine and will be enacted by one motion unless separate discussion is requested by Council Members. Prior to the vote, members of the audience may ask questions regarding items on the consent agenda. When the vote has been taken, if an item has not been called out for separate discussion, the item has been approved. Council may, however, reconsider any item at any time during the meeting.

**CONSENT AGENDA****1. APPROVAL OF MINUTES:** [Municipal Clerk, Richarda Duffy Momsen, (915) 541-4127]

Approval of Minutes for Regular City Council Meeting of November 22, 2005 and Special City Council Meeting of November 21, 2005.

**2. REQUEST TO EXCUSE ABSENT CITY COUNCIL MEMBERS:****3. RESOLUTIONS:**

**3A.** That the City Manager be authorized to sign a Ground Lessor Estoppel certifying the status of the six (6) ground leases described on Exhibit "A" attached hereto and incorporated herein by reference to Sealy SW Property, L.P. ("Ground Lessee") and Greenwich Capital Financial Products, Inc. ("Lender").

**(District 2)** [Airport, Patrick T. Abeln, (915) 780-4724]

**3B.** That the City Manager be authorized to sign a Lessor's Approval of Assignment by and between the City of El Paso ("Lessor"), Sealy Butterfield, L.P. ("Assignor") and Sealy SW Property, L.P. ("Assignee") for the following described property: Lot 8 and a portion of Lot 9, Block 7, Butterfield Trail Industrial Park Unit Two, City of El Paso, El Paso County, Texas, municipally known and numbered as 21-23 Leigh Fisher, El Paso, Texas. **(District 2)** [Airport, Patrick T. Abeln, (915) 780-4724]

**3C.** That the City Manager be authorized to sign a Lessor's Approval of Assignment by and between the City of El Paso ("Lessor"), Sealy Butterfield, L.P. ("Assignor") and Sealy SW Property, L.P. ("Assignee") for the following described property: All of Lot 7, Block 7, Butterfield Trail Industrial Park Unit Two, City of El Paso, El Paso County, Texas, municipally known and numbered as 19 Butterfield Trail, El Paso, Texas. **(District 2)** [Airport, Patrick T. Abeln, (915) 780-4724]

**3D.** That the City Manager be authorized to sign a Lessor's Approval of Assignment by and between the City of El Paso ("Lessor"), Sealy Butterfield, L.P. ("Assignor") and Sealy SW Property, L.P. ("Assignee") for the following described property: All of Lot 10 and a portion of Lot 9, Block 7, Butterfield Trail Industrial Park Unit Two, City of El Paso, El Paso County, Texas, municipally known and numbered as 27 Leigh Fisher, El Paso, Texas. **(District 2)**

[Airport, Patrick T. Abeln, (915) 780-4724]

- 3E.** That the City Manager be authorized to sign a Lessor's Approval of Assignment by and between the City of El Paso ("Lessor"), Sealy Butterfield, L.P. ("Assignor") and Sealy SW Property, L.P. ("Assignee") for the following described property: All of Lot 11, Block 7, Butterfield Trail Industrial Park Unit One, Replat "A", City of El Paso, El Paso County, Texas, municipally known and numbered as 20 Founders, El Paso, Texas. **(District 2)** [Airport, Patrick T. Abeln, (915) 780-4724]
- 3F.** That the City Manager be authorized to sign a Lessor's Approval of Assignment by and between the City of El Paso ("Lessor"), Sealy Butterfield, L.P. ("Assignor") and Sealy SW Property, L.P. ("Assignee") for the following described property: A portion of Lot 1, Block 14, Butterfield Trail Industrial Park Unit Three, City of El Paso, El Paso County, Texas, municipally known and numbered as 40 Walter Jones, El Paso, Texas. **(District 2)** [Airport, Patrick T. Abeln, (915) 780-4724]
- 3G.** That the City Manager be authorized to sign a Lessor's Approval of Assignment by and between the City of El Paso ("Lessor"), Sealy Butterfield, L.P. ("Assignor") and Sealy SW Property, L.P. ("Assignee") for the following described property: Portions of Lots 1 and 2, Block 6, Butterfield Trail Industrial Park Unit One, Replat "A", City of El Paso, El Paso County, Texas, municipally known and numbered as 27 Concord, El Paso, Texas. **(District 2)** [Airport, Patrick T. Abeln, (915) 780-4724]
- 3H.** That the City Manager be authorized to sign a Contract between the CITY OF EL PASO and RICHARD W. BLACK, to assist the El Paso International Airport as a Network Systems Manager, at a biweekly rate of \$2,934.31, for 40 hours per week. Fund Source: 62620002-62000-40101 [Airport, Patrick T. Abeln, (915) 780-4724]
- 3I.** That the City Manager of the City of El Paso (the "City") be authorized to sign that certain Contract for Collection of Delinquent Taxes entered into by the City and Delgado, Acosta, Spencer, Linebarger & Perez, LLP a Texas limited liability partnership of attorneys, effective for all purposes as of the 1st day of January, 2006. [Tax Office, Juan Sandoval, (915) 541-4369]
- 3J.** That pursuant to Sections 33.07, 33.08 and 33.11 of the Texas Tax Code, the City hereby authorizes and imposes an additional penalty on delinquent taxes to defray attorneys fees and expenses related to collection of said taxes for tax years 2005 and subsequent years thereafter, in the amount of twenty percent (20%) of the delinquent tax, penalty and interest. [Tax Office, Juan Sandoval, (915) 541-4369]
- 3K.** That the City Manager of the City of El Paso (the "City") be authorized to sign that certain Computer System License and Maintenance Agreement entered into by and between the City and Appraisal and Collection Technologies ("ACT") for the upgrade and maintenance of ACT's tax collection system, effective for all purposes as of the 1<sup>st</sup> day of January, 2006. [Tax Office, Juan Sandoval, (915) 541-4369]
- 4. APPLICATIONS FOR USE OF CITY PARKS/STREETS & SIDEWALKS:**  
Permission to use public streets, sidewalks or parks for special events does not constitute endorsement by the City of El Paso of the contents of any expression that takes place during these events. [Development Services, R. Alan Shubert, (915) 541-4560]

- 4A.** Raul & Betty Figueroa to block off Tom Weiskopf between 11057 and 11065 on December 3, 2005 from 1:00 p.m. to 6:00 p.m. for a religious ceremony. Approximately 50 persons will take part and 70 spectators are anticipated. Barricades must be manned according to the State's "Manual of Uniform Traffic Control Devices". PERMIT # 05-183 [Betty Figueroa] **(District 5)**  
NO OBJECTIONS FROM FIRE, SUN METRO AND TRAFFIC/ENGINEERING. THE EL PASO POLICE DEPARTMENT HAS NO OBJECTION WITH THIS EVENT. THE DEPARTMENT WILL MONITOR THE EVENT AS NECESSARY WITH THE DISTRICT CAR. THERE WILL BE NO COST TO CITY OR APPLICANT. THE OFFICE OF DEVELOPMENT SERVICES RECOMMENDS APPROVAL.
- 4B.** National Organization for Women to hold a parade/demonstration on December 3, 2005 from 12:00 p.m. to 2:00 p.m. Route: Start at Armijo Park on E. Sixth to S. Florence, turn left on S. Florence to W. Father Rahm, turn left on W. Father Rahm to S. El Paso, turn left on S. El Paso to the Paso Del Norte Bridge, proceed up the bridge half way, and turn around to S. El Paso, proceed on S. El Paso to E. Sixth, turn right on E. Sixth and finish at Armijo Park. Approximately 300 persons will take part. This request includes permission to use amplification (1-3 microphones and 1-3 amplifiers just in Armijo Park). PERMIT # 05-185 [Amber Clark] **(District 8)**  
NO OBJECTIONS FROM FIRE, SUN METRO, PARKS AND TRAFFIC/ENGINEERING. THE EL PASO POLICE DEPARTMENT HAS NO OBJECTIONS WITH THIS EVENT. THE DEPARTMENT WILL POLICE THE EVENT WITH 11 OFFICERS AND 11 VEHICLES. ESTIMATED COST TO CITY: \$532.50 ESTIMATED COST TO APPLICANT: \$842.50. APPLICANT WAS ADVISED THAT SHE NEEDS PERMISSION FROM FEDERAL AUTHORITIES TO GO ONTO THE PDN BRIDGE. APPLICANT ADVISES THAT SHE IS WORKING ON THIS PERMISSION. IF PERMISSION IS NOT OBTAINED, THE PARTICIPANTS WILL BE ESCORTED ONLY TO EL PASO AND SIXTH. THE APPLICANT HAS AGREED. THE OFFICE OF DEVELOPMENT SERVICES RECOMMENDS APPROVAL.
- 4C.** St Pius X Church to hold a procession on December 2, 2005 from 6:01 p.m. to 7:00 p.m. Route: Start at the church parking lot on Clark to Geronimo, turn right on Geronimo to Gila, turn right on Gila to Clark, turn right on Clark and finish at the parking lot. Approximately 60 persons, 3 vehicles will take part and 60 spectators are anticipated. PERMIT # 05-186 [Norma A. Lujan] **(District 3)**  
NO OBJECTIONS FROM FIRE, SUN METRO AND TRAFFIC/ENGINEERING. THE EL PASO POLICE DEPARTMENT HAS NO OBJECTIONS WITH THIS EVENT. THE DEPARTMENT WILL POLICE THE EVENT WITH 3 OFFICERS AND 3 VEHICLES. ESTIMATED COST TO CITY: \$125.00 ESTIMATED COST TO APPLICANT: \$25.00. THE OFFICE OF DEVELOPMENT SERVICES RECOMMENDS APPROVAL.

### **REGULAR AGENDA**

#### **5. INTRODUCTION OF ORDINANCES PURSUANT TO SECTION 3.9 OF THE EL PASO CITY CHARTER:**

**Public comment typically is not taken during the introduction of ordinances.  
Public comments are invited at the date of the scheduled public hearing.**

An Ordinance amending Title 20 (Zoning) of the El Paso Municipal Code, by amending Section 20.02.408 (Kennel) to revise the definition by deleting reference to the number of animals on the premises. The penalty is as provided in Chapter 20.68 of the City of El Paso Municipal Code. **(All Districts)**  
[Planning, Kimberly Forsyth, (915) 541-4631]

**PUBLIC HEARING WILL BE HELD ON DECEMBER 20, 2005.**

Public Hearings will be held as part of the regular City Council meeting which begins at approximately 9AM. All interested persons present shall have an opportunity to be heard at that time. After the public hearings, Council may also delay taking action on Ordinances, no requirement is made by Section 3.9B of the El Paso City Charter to publish any further notice. Copies of all Ordinances are available for review in the City Clerk's office, 2 Civic Center Plaza, Monday through Friday, 8AM to 5PM.

**6. MAYOR AND COUNCIL:**

Discussion and action to create a 4 member ad hoc committee comprised of El Paso City Representatives for border relations with Mexico.

[Representative Jose Alexandro Lozano, (915) 541-4515] POSTPONED FROM 11/15/05

**7. DEVELOPMENT AND INFRASTRUCTURE SERVICES:**

**7A.** Discussion and Action on recommendations of the Planning & Development Services Legislative Review Committee regarding the Selection Procedures for Architects, Engineers and Land Surveyors as follows:

- Establishing an administrative process under the Office of the City Manager to oversee the process of selection of firms, and formally rescinding Chapter 2.88 (Selection Procedures for Architects, Engineers and Land Surveyors) of the El Paso Municipal Code.
- Adopting official public policy statements that will serve to define and guide the administrative process for selection of firms.
- Creating the administrative process for selection of firms under a formal Administrative Policies & Procedures directive of the City, to take effect on December 13, 2005.

[Patricia D. Adauto, Deputy City Manager, Development & Infrastructure Services (915) 541-4853]

**7B. INTRODUCTION OF ORDINANCE PURSUANT TO SECTION 3.9 OF THE EL PASO CITY CHARTER:**

An Ordinance deleting Title 2 (Administration and Personnel), Chapter 2.88 (Selection Procedures for Architects, Engineers and Land Surveyors), of the El Paso Municipal Code in its entirety. [Patricia D. Adauto, Deputy City Manager, Development & Infrastructure Services, (915) 541-4853]

**PUBLIC HEARING WILL BE HELD ON DECEMBER 13, 2005**

**7C.** Discussion and action on a resolution establishing official public policy statements that serve to define and guide the administrative process for selection procedures for architects, engineers and land surveyors in the City of El Paso, Texas. [Patricia D. Adauto, Deputy City Manager, Development & Infrastructure Services, (915) 541-4853]

**8. PUBLIC HEARINGS – EL PASO WATER UTILITIES:**

**8A.** An Ordinance authorizing the City Manager to sign a Special Warranty Deed conveying to El Paso Jamas, Ltd., land totaling approximately 33.045 acres consisting of Tract 9C, Block 13, Upper Valley Surveys, El Paso County, Texas,

in far west El Paso located north of Borderland Road between Westside Road and Morrell Road just outside the City Limits of El Paso. **(District 1)**  
[El Paso Water Utilities, Robert D. Andron, (915) 594-5506]

- 8B.** An Ordinance authorizing the City Manager to sign a Special Warranty Deed conveying to HBC Land L.P., land totaling approximately 32.162 acres consisting of a portion of Section 30, Block 80, TSP 1, Texas and Pacific Railway Company Surveys, El Paso, El Paso County, Texas, in northeast El Paso located south of Patriot Freeway (U.S. Hwy. 54) adjacent to McCombs Street in the El Paso City Limits. **(District 4)** [El Paso Water Utilities, Robert D. Andron, (915) 594-5506]

**9. PUBLIC HEARINGS – PLANNING:**

- 9A.** Discussion and action on a resolution approving a detailed site development plan, for a portion of Tract 3, Section 4, Block 79, TSP 3, T&P Railway Co. Surveys, El Paso, El Paso County, Texas, pursuant to a condition imposed by Ordinance No. 011446. The penalty is as provided for in Chapter 20.68 of the El Paso Municipal Code. Subject Property: 1800 Block of Joe Battle Blvd. Applicant: River Oaks Properties, Ltd. ZON05-00114 **(District 6)**  
[Planning, Christina Valles, (915) 541-4930]

- 9B.** Discussion and action on a resolution that the City of El Paso does not consent to creation of the Viramontes Municipal Utility District as requested by J. C. Viramontes and subsequently East Montana Joint Venture for certain lands located within the extraterritorial jurisdiction of the City of El Paso, El Paso County, Texas and containing 577.70 acres.  
[Planning, Research & Development, Rudy Valdez, 541-4635]

- 9C.** Discussion and action on a resolution that the Mayor be authorized to sign and accept a dedication deed to the City of El Paso from Ranchos Real Developers VI, Ltd., for a 4.938 acre parcel of land described as Lot 1, Block 103, Tierra Del Este Unit 22, an addition to the City of El Paso, El Paso County, Texas, for the purpose of an Emergency Service Facility, in satisfaction of Ranchos Real Developers VI, Ltd.'s obligation for dedication pursuant to Paragraph Eight of the Annexation Agreement dated November 9, 1999. Further that the Mayor be authorized to sign an Irrevocable Approval between the City of El Paso and Douglas Schwartz, Timothy Foster and Robert Foster, which modifies and releases the City from certain obligations under the Protective Covenants on the property. **(District 5)**  
[Planning, Research & Development, Rudy Valdez, 541-4635]

- 9D.** An Ordinance changing the zoning of Parcel A: a portion of Tract 10A, 10E, 12 and 13, Nellie D. Mundy Survey No. 239, El Paso, El Paso County, Texas from R-3 (Residential) to R-3A (Residential); Parcel B: a portion of Tracts 10A and 10E, Nellie D. Mundy Survey No. 239, El Paso, El Paso County, Texas from R-3 (Residential) to A-O (Apartment-Office); and Parcel C: a portion of Tracts 10A and 10E, Nellie D. Mundy Survey No. 239, El Paso, El Paso County, Texas from R-3 (Residential) and PMD (Planned Mountain Development) to C-3/C (Commercial/Condition). The penalty is as provided for in Chapter 20.68 of the El Paso Municipal Code. Subject Property: 7800 Block of Transmountain Road. Applicant: RVE Unit 18 Ltd. ZON05-00080 **(District 1)**  
[Planning, Christina Valles, (915) 541-4930] **POSTPONED FROM 11/15/05**

- 9E. An Ordinance amending Title 20 (Zoning) of the El Paso Municipal Code, by amending Section 20.08.090.B (Sale Of Alcoholic Beverages, Restrictions) in order to prohibit the sale of alcoholic beverages within three hundred feet of a public or private school, day-care center or child-care facility. The penalty is as provided in Chapter 20.68 of the City of El Paso Municipal Code. **(All Districts)** [Planning, Kimberly Forsyth, (915) 541-4631]
- 9F. An Ordinance amending Ordinance No. 011446 which changed the zoning of a portion of Tract 3, section 4, Block 79, TSP 3, T&P Railway Co. Surveys, El Paso, El Paso County, Texas, and which imposed certain conditions, by deleting Condition Number 2, applicable to Parcels 1&2, thereof. The penalty is as provided for in Chapter 20.68 of The El Paso Municipal Code. Subject Property: 1800 Block of Joe Battle Blvd. Applicant: River Oaks Properties, Ltd. ZON05-00113 **(District 6)** [Planning, Christina Valles, (915) 541-4930]
- 9G. An Ordinance vacating a portion of Findley Street between Blocks 21 and 26, Woodlawn Addition, City of El Paso, El Paso County, Texas. Applicant: City of El Paso. SV05004 **(District 3)** [Planning, Fred Lopez, (915) 541-4925]
- 9H. An Ordinance vacating a portion of Cypress Street between Blocks 26 and 29, Woodlawn Addition, City of El Paso, El Paso County, Texas. Applicant: City of El Paso. SV05005 **(District 3)** [Planning, Fred Lopez, (915) 541-4925]
- 9I. An Ordinance vacating all of the 20-foot wide alley within Block 26, Woodlawn Addition, City of El Paso, El Paso County, Texas. Applicant: City of El Paso. AV05001 **(District 3)** [Planning, Fred Lopez, (915) 541-4925]
- 10. The City Council of the City of El Paso may retire into **EXECUTIVE SESSION** pursuant to Section 3.5A of the El Paso City Charter and the Texas Government Code, Chapter 551, Subchapter D, to discuss any of the following: (The items listed below are matters of the sort routinely discussed in Executive Session, but the City Council of the City of El Paso may move to Executive Session any of the items on this agenda, consistent with the terms of the Open Meetings Act.) The City Council will return to open session to take any final action and may also, at any time during the meeting, bring forward any of the following items for public discussion, as appropriate.

Section 551.071 CONSULTATION WITH ATTORNEY

Section 551.072 DELIBERATION REGARDING REAL PROPERTY

Section 551.073 DELIBERATION REGARDING PROSPECTIVE GIFTS

Section 551.074 PERSONNEL MATTERS

Section 551.076 DELIBERATION REGARDING SECURITY DEVICES

Section 551.087 DELIBERATION REGARDING ECONOMIC DEVELOPMENT NEGOTIATIONS

Discussion and action on the following:

- 10A. *Patricia Negrete, et al vs. City of El Paso*; Cause No. 2005-2463 in the 120<sup>th</sup> District Court (551.071) [City Attorney's Office, Jennifer F. Callan (915) 541-4550]
- 10B. Discussion and action on the claim of Willie Morales/IT/L0019 (551.071) [City Attorney's Office, Jennifer F. Callan (915) 541-4550]
- 10C. Discussion and action on the claim of Samuel A. Gurrola/Police/L0142 (551.07) [City Attorney's Office, Jennifer F. Callan (915) 541-4550]

**10D.** Discussion and action on the claim of Salvador Rodriguez/SWM/L0053 (551.071)  
[City Attorney's Office, Jennifer F. Callan (915) 541-4550]

**10E.** Discussion and action on the claim of Sandra Fernandez, Our File No. 03-C-261  
(551.071) [City Attorney's Office, Jennifer F. Callan (915) 541-4550]

Sign Language interpreters are provided for regular City Council meetings. Copies of this Agenda will be provided in Braille, large print or audio tape upon requests made a minimum of 48 hours prior to the meeting.

Hearing Assistance Devices are available upon request.

**ALL CITY COUNCIL AGENDAS ARE PLACED ON THE INTERNET EVERY FRIDAY  
AT THE ADDRESS BELOW:**

<http://www.elpasotexas.gov>